

Public Educational and Governmental (PEG) & Commercial Access Rules & Regulations

The following rules, regulations and procedures were approved and adopted by the Bryan Board of Public Affairs on January 18, 2005.

GENERAL OVERVIEW

The following rules, regulations and procedures are designed to allow Bryan Municipal Utilities (BMU) to operate in the public interest. BMU reserves the right to deny and/or revoke access privileges to anyone in violation of the following rules, regulations and procedures.

BMU operates two access channels on its cable television system. Channel 3 is a Commercial Access Channel that offers individual citizens, businesses and organizations the ability to purchase time to rebroadcast an entire program or event or to place an advertisement inside a locally originated BMU program. To qualify to run a program on BMU Channel 3, one must first contact a BMU representative to discuss the program plan. This plan may be a rough draft, a full video and audio script, or a completed video production. Once the plan or program is approved, BMU representatives will follow through with all steps necessary to broadcast the project on BMU Channel 3. Production charges will be billed upfront and will be collected before the program airs. BMU will bill the company or individual the appropriate programming fee after the program has run and will expect to be paid by the customer for broadcasting the program or commercial. The bill will be due 30 days from the invoice date. A late fee of ten percent of the total charge will be added to accounts that are not paid within 30 days. A complete price and program schedule are available from BMU.

All completed video must be of high quality. BMU reserves the right to refuse to broadcast of any program or commercial that BMU believes is less than broadcast quality. BMU prefers video to be provided on a DVD. BMU also requires that the citizen, business or nonprofit organization adhere to all the rules and regulations of the BMU Public Educational and Governmental (PEG) & Commercial Access Rules & Regulations and requires that potential video producers read and fully understand all of the BMU Rules and Regulations before proceeding further with their video projects. Any questions or concerns may be directed to the Communications Superintendent.

Channel 4 is operated as a PEG Access channel. This channel will be devoted to meeting the needs of the local Bryan community, governmental agencies, and schools. Channel 4 broadcasts either live or via-delay events such as, but not limited to, Bryan City Council, Bryan City School Board, and Bryan Board of Public Affairs meetings. Channel 4 will provide the Bryan Mayor, Bryan School Superintendent, or the Bryan Board of Public Affairs with the opportunity to have their own regularly scheduled cable access program to aid in their efforts to better inform the citizens of Bryan via BMU cable television.

Channel 4 will also make available a time during regularly scheduled local access hours for the citizens of Bryan. BMU cable will provide citizens access to the time; however, BMU will not provide free access to video cameras or editing equipment. Citizens will be able to attend orientation

meetings conducted by BMU in order to work with BMU staff or with BMU equipment to produce their programs.

Nonprofit organizations in Bryan will also be able to request air time on BMU Channel 4. Representatives of nonprofit groups or organizations must contact a BMU representative with rough plans, full video and audio scripts or completed video productions that they wish to have produced. Representatives from BMU will read the scripts, view the videos and determine that all authorizations have been attained before scripts are approved for broadcast on BMU Channel 4. BMU will not provide free access to its video cameras, editing equipment or personnel. Representatives of nonprofit organizations will be able to attend orientation meetings with the BMU and eventually work with the BMU or BMU equipment to produce their particular program.

If an organization or individual completes the orientation and requests to use BMU equipment, facilities or employees to help complete their video project, BMU will charge the organization or individual for their use. Charges will be estimated and disclosed before the project starts. Estimates are BMU's best effort to price the time, equipment or personnel that used on the project. Actual cost will be billed after completion and any overage will be billed or any extra will be refunded. Any organization or group wishing to use the equipment or personnel for their projects will be expected to pay the estimated production costs before the equipment can be checked out or the personnel scheduled to work.

Programming will be scheduled on a first come first served basis. BMU will refrain any individual or group from dominating the airtime to the detriment of others. Any questions or concerns will be directed to the Communications Superintendent.

I. FACILITY USE

A. Eligibility

1. BMU owned or managed facilities/equipment are available for a fee to any adult or authorized minor resident within the viewing area of the Bryan Municipal Utilities (BMU) Cable system only after having completed orientation sessions.
2. Citizens and groups will be able to submit a VHS or DVD version of a program or event that they would like to have aired on a BMU Access Channel. They also can submit an idea or script for a program they would like to have aired on a BMU Access Channel and with the permission of the Superintendent, can be trained to operate the BMU video equipment to produce or aid in producing that program. The Communications Superintendent will also decide whether the program will be broadcast on Channel 3 or Channel 4. BMU reserves the right to charge any individual or group for the use of the equipment and for the time spent by any BMU employee who aids in the production of the program. Following the successful completion of the BMU orientation program, BMU may agree to rent video equipment to the person or group that has submitted a script or idea and has had it approved for production by the Communications Superintendent.
3. Individuals/organizations outside the viewing area wishing to air a program on BMU Channel 4 (PEG Access) must be sponsored by a resident within the viewing area of the

BMU Cable system. The sponsor must be part of the production team as producer, camera operator, editor, director, etc.

4. Students or individuals under the age of 18, acting as independent producers or other production team members are required to have a parent or legal guardian available on-site and visually present in the production area whenever BMU equipment is used. Any exceptions to this rule will be made by the Communications Superintendent.
5. Students/minors who are part of the BMU/Media Communications production crew for remote and/or studio productions are considered to be under the supervision of the BMU staff or the school media communications instructor when using BMU equipment.
6. Students/minors acting as a producer or member of the production crew for any Bryan City School or classroom event will be considered to be under the supervision of the school administration or class teacher.

B. Orientation Sessions

1. All producers/users of equipment/studio must attend an orientation session(s) given by BMU staff prior to use. They must demonstrate the ability to operate and control equipment in the proper manner.
2. All producers/users must show a competence to operate and care for the equipment and/or studio in a professional and non-abusive manner.
3. Any producers/users who have not produced a program for a period of one year or more after completing the initial orientation session will be required to prove to the Communications Superintendent that they are still proficient with the video equipment or repeat the entire orientation session before being allowed to use BMU video equipment.

C. Equipment and Studio Check-Out / Check-In / Reservations / Cancellations

1. The BMU Control Room is to be used for BMU productions only. Additional uses of the BMU facility must be approved by the Communications Superintendent and will depend on the availability of a BMU staff member to be present during the production. The Communications Superintendent must approve any exceptions.
2. Prior to reserving field production equipment or studio time, any producer/user must present a qualified production plan in writing to the Communications Superintendent.
3. Reservations for BMU resources are available on a first come, first served basis and must be made in person or by phone at least 48 hours prior to use. Reservation by e-mail will be accepted; however, a reply from BMU staff must be received to confirm reservation. BMU staff will make any exceptions for last minute scheduling as resources become available.
4. Cancellation of any resource reservation must be made at least 24 hours prior to the scheduled time of use. Any producer/user with more than two cancellations without

notification per 30-day period will be subject to forfeiture of BMU access privileges and/or disciplinary action. The Communications Superintendent must approve any exceptions.

5. Reservations for field production equipment can be made for no longer than a two-day period. Any requests for exceptions must be made to BMU staff. Approval will be based on resource availability.
6. Field equipment must be returned at a specified and mutually agreed upon time. Failure to return the equipment on time may result in loss of privileges and/or disciplinary action.
7. Any resource not returned within 48 hours, without permission from staff, will be considered stolen. The producer/user will receive disciplinary action and be held liable for the replacement cost of the equipment. Criminal charges of theft may be brought against the producer/user.
8. Under no circumstances may any producer/user check-out or check-in any BMU resource without BMU staff verification. Violators may forfeit access privileges or receive disciplinary action.
9. All producers/users of access equipment must have a valid driver license on file prior to checking-out equipment or producing a program. Minors must have a parent or legal guardian's driver license on file. Any exceptions will be made by the Communications Superintendent.
10. The producer, user, production crew or guests may use BMU owned and managed equipment to produce, create, or develop materials for commercial purposes. Producers, users, production crew and guests may receive direct monetary gain from any programs produced using BMU equipment as long as BMU has received any payment that it is due. If BMU has not been paid, then BMU has the right to refuse to allow the program to be used for any commercial purpose until BMU payment is received.

II. PROGRAMMING

A. Channel Space

1. Channel 4 space is available to any eligible producer on a non-commercial basis. Channel 3 space is available to any eligible producer on a commercial basis and upon availability and playback equipment constraints.
2. BMU will attempt to produce a regular and consistent schedule of prerecorded programs on both Channels 3 & 4. Series programs receive priority and are given a regular occurring time slot on a weekly or monthly basis. On occasion, the Communications Superintendent may wish to pre-empt the regularly scheduled programming to carry a "Special" or Live program. In such a case, the regular programming will be rescheduled to another time slot or postponed. BMU will make every effort to discuss such a change

with the producers of the regularly scheduled program before making the scheduling change.

3. Single play programs are scheduled as channel space and playback equipment are available.
4. BMU reserves the right to preempt any program based on, but not limited to, one of the following:
 - a) Playback equipment is not available or has malfunctioned.
 - b) Producer has not submitted a current program for the series slot.
 - c) "Live" or "Special" programming is scheduled.
 - d) Producer has failed to observe any local, state or federal law.
 - e) Producer is in noncompliance with any access rules or regulations.
 - f) Programming contains prohibited content.
5. Once an individual program has aired, repeats will be scheduled as channel space and equipment allow.

B. Program Content Rules

1. Producers submitting or creating a program must certify that their programs do not include any of the following:
 - a) Any material that is considered libelous, slanderous, defamatory or that constitutes an unlawful invasion of privacy.
 - b) Any material that violates local, state or federal law.
 - c) Any specific product advertising on Channel 4(i.e. material that promotes a particular commercial product or service).
 - d) Any solicitation or appeal for funds, products or donations for personal gain (except for nonprofit organization appeals for funds and donations).
 - e) Any material deemed to be "obscene" under federal law.
 - f) Any false or misleading statements.
 - g) Any programming that promotes a lottery.
 - h) Any material or performances that require a copyright or trademark, unless written authorization for the use of such material has been obtained and is on file with the BMU.
2. Producers must designate their programs as "appropriate for children" or "inappropriate for children" to help facilitate scheduling. Programs designated as "inappropriate for children" will be scheduled after 11 p.m.
3. Producers and users agree to abide by all local, state and federal copyright laws. BMU will pay for and make available licensed, public domain music for producers to use.
4. Producers and users are solely responsible for the content, material or conversations presented on their programs and will be held liable for any violation of BMU regulations, Bryan City Schools handbook or any local, state and federal law.

C. Submission of a Program

1. Any program submitted for playback on BMU must abide by the following rules:
 - a) Programs must be submitted on an acceptable format for BMU playback. BMU will not be responsible for transferring programs to the acceptable format.
 - b) Videos should be labeled with the program titles, dates, and producer names.

D. Political Programming

1. Political speech is encouraged providing producers and guests abide by all relevant rules and regulations.
2. BMU will not cablecast any political programming during polling hours on voting days.
3. Political programming will be subject to all channel space rules.
4. BMU is not responsible for contacting any political party, politician, levy organization, etc. prior to election, or giving equal time outside of the above rules and regulations.
5. Political candidates will be able to purchase programming time on BMU Channel 3 at the lowest rate available on BMU's rate card in effect at the time of the request.

E. Sponsorships

1. Producers may seek donations to cover program production costs upon approval from the Communications Superintendent.
2. Producers may provide acknowledgement of such donations from sponsor either verbally during program or visually at natural breaks in programming, not to exceed once every half-hour. Any visual or verbal message may contain logos, slogans, or addresses, but not phone numbers.
3. Producers must solicit donations as individuals and not use BMU or the City of Bryan as a partner in the solicitation.

F. Copyrighting Productions

1. Subject to all terms and conditions, producers will own the copyrights of their completed programs upon first airing.
2. Producers using access resources must assign BMU an unlimited license for all purposes under the copyright laws of their programs for a period of one year from first cablecast of each program.
3. Master tapes will be made available to the producer of record after the end of the second year past first cablecast date. Any exceptions to this rule are to be made by the Communications Superintendent.

4. BMU reserves the right to use clips, logos, names, pictures, etc. from any program/producer/user for purposes of promotion and/or reporting.
5. Nonprofit groups or organizations may use copies of their programs highlighting their organizations or specific events to receive donations and/or funding.

G. Dubbing Policy and Program Distribution

1. BMU will provide one free copy for the producer and guests of a program, provided the producer and/or guests supply blank videotapes or DVDs for copies. Additional copies may be purchased from BMU at current price.
2. The following rules apply to producers requesting to air their programs on access channels other than BMU:
 - a) The producer must provide blank videotapes or DVDs clearly labeled with the producer's name, address and phone number; program title; production date; and name of access center where it should be sent.
 - b) The producer must provide BMU with the name of the contact persons and mailing addresses for access centers to which the tapes are being distributed.
 - c) The producer must make arrangements for pick up or return of videotapes after they have aired, if desired.
 - d) The producer is responsible for determining the acceptable format for designated access centers and transferring the program to that format.
 - e) BMU will charge the producer for dubbing service and mailing the video to designated access centers.
 - f) BMU is not responsible for any problems that occur with the late arrival of videotapes, playback or scheduling of any program airing on stations other than BMU.
 - g) To ensure proper distribution, producers may choose to copy and distribute programs to other access centers on their own, without BMU assistance.
 - h) All tapes being sent for rebroadcast on a facility other than BMU will include the BMU logo prominently displayed at the front and the end of the program along with the following disclaimer: "This program was produced in whole or in part through the facilities of Bryan Municipal Utilities. The content of this program is solely the responsibility of (insert producer's name) and not Bryan Municipal Utilities or the Board of Public Affairs and does not necessarily reflect the views of BMU or the BPA."

H. Community Bulletin Board

1. Use of the bulletin board on Channel 4 is limited to nonprofit organizations and eligible community members. BMU may require proof of nonprofit tax status to be on file prior to posting message. Use of the Bulletin Board on Channel 3 is open to any group, individual or business for a fee.
2. Messages on Channel 4 are limited to nonprofit functions, events, and announcements. Questions concerning qualifications to place messages on Channel 4 will be directed to and determined by the Communications Superintendent.

3. No political statements for or against a party, individual, levy, etc. will be accepted or displayed on Channel 4. Political statements will be allowed on Channel 3 and will be charged at the lowest rate on the current BMU rate card at the time of the request.
4. Only qualified staff or authorized personnel may add or delete any messages on the community bulletin board. Any unauthorized use will result in disciplinary action.

III. RULE VIOLATIONS / LOSS OF PRIVILEGES / DISCIPLINARY ACTIONS

A. Suspension of a Program

1. BMU may suspend from play and/or production any program or material that appears to be in violation of Program Content Rules, Section II, B.
2. If a program is suspended prior to or during the first cablecast, BMU will request legal review at the earliest opportunity. If a program is found not to be in violation of any laws, BMU will reschedule the program at the earliest opportunity.
3. If a producer submits a program that, after cablecast or viewer complaint, appears to be in violation of any local, state, or federal law an/or any programming content regulation, BMU may require that the program be suspended from future play over the access channels for a period not to exceed 60 days. BMU shall notify in writing the producer, parents if producer is a minor, Bryan Communications Superintendent and Director of Utilities.
4. Within five working days of suspension of a program, BMU will confer with the responsible producer to seek voluntary compliance with any laws or regulations. BMU, along with the Communications Superintendent and a producer's committee representative, shall review the material in question and provide the producer with one of the following agreements:
 - a) Remove the program from any future play.
 - b) Request that producer revise the program prior to replay.
 - c) Agree that no violation has occurred and reschedule program for broadcast.
5. If there is no majority agreement, the program suspension will continue for a period of 15 working days from the date of the conference to allow producer to file a written appeal with the Director of Utilities. If no appeal is filed within 15 working days, the original agreement regarding the program becomes final.
6. If an appeal is filed, the Communications Superintendent and Director of Utilities and the producers' committee representative shall have 10 working days in which to consider the appeal. If the committee overturns the earlier decision, then BMU will take the appropriate action in regards to airing the program. If the decision is upheld, the initial agreement will be final.

B. Suspension or Loss of Access Privileges

1. Any producer or user found to be in violation of any local, state or federal law and/or has his/her program suspended from play will be immediately suspended from all BMU resource privileges for a minimum of one year. Any subsequent, similar violation by the same producer/user may result in an open and indefinite suspension as determined by the Communications Superintendent, and will not be less than two years.
2. Any producer, user, or guest who violates any BMU rule or regulation will be asked to leave the facility and to not return pending verification of violation and written disciplinary action.
3. Any producer, user, or guest who engages in activities in the BMU and/or /Media Communications facilities that are harassing, threatening, purposefully detrimental or damaging to another producer, student, instructor, BMU staff member or equipment will be asked to immediately leave the facility and may receive disciplinary action.
4. Upon verification that any violation of BMU rules and regulations has occurred, the Communications Superintendent will issue to the producer or user in writing a statement of disciplinary action within 15 working days.
5. Providing fraudulent information on the Acceptance Form will result in immediate loss of privileges and/or suspension. It is the responsibility of the user to notify BMU of any changes in the information provided on the Acceptance Form.

C. BMU Operations: Equipment Misuse or Damage

1. Any producers, users, or guests who are found to have been responsible for damaging any BMU resources will receive immediate disciplinary action and they or their guardians will be responsible for the replacement or repair costs.
2. Computers, master control and studio equipment associated with BMU staff for handling day-to-day operations of the facility are not access equipment. Any use, damage, loss or manipulation of this equipment will result in immediate disciplinary action.
3. File cabinets, cupboards, tape storage, headend, playback, and dubbing equipment are the property of BMU and are not to be tampered with, adjusted, or manipulated without BMU staff authorization. Failure to secure authorization will result in immediate disciplinary action.
4. Any unauthorized use of the City of Bryan phone system is strictly prohibited. Violators will receive immediate disciplinary action.
5. Any use, manipulation or tampering with the BMU and/or Bryan City Schools communications systems by a producer, user, or guest is strictly forbidden. Violators will receive immediate disciplinary action by BMU and/or Bryan City Schools.

6. No producer or user shall try to repair, re-wire or install any cable, equipment, software or system without authorization from BMU staff.
7. Media Communications equipment and facilities or shared equipment owned by Bryan City Schools is not access equipment. Specific permission from the Media Communications instructor and the Communications Superintendent is required prior to use.

D. On-Site / Off-Site Behavior and Responsibilities

1. No person other than specified law enforcement officials shall bring a gun, knife or other weapons associated with doing harm to individuals into the BMU facilities, have in a vehicle parked on BMU premises, or have outside the BMU facilities.
2. No person shall bring alcoholic beverages, illegal drugs or drug paraphernalia into the BMU facilities, have in a vehicle parked on BMU premises, or have outside the BMU facilities.
3. No person shall appear to be under the influence of any alcohol or drugs either inside or outside the BMU facility.
4. Anyone on-site of BMU and/or Media Communications facilities and/or parking area must observe all BMU and Bryan City Schools rules and regulations.
5. Producers are directly responsible for the actions of their guests at all times either in the facility, in the studio or on the air. Any violation by the guest is also considered a violation for the producer. Suspensions and/or disciplinary actions will be taken against the producer and the guest.
6. Any producer, user, or guest who the BMU staff has determined to have stolen or purposefully damaged any resources will receive an immediate and indefinite suspension of access privileges.
7. No producer or user may present himself/herself as a representative of BMU, Media Communications, the City of Bryan or Bryan City Schools.
8. No person shall make misleading or false statements on his/her program or on the BMU premises.
9. Any person found to be loitering, disruptive or operating in a nonproductive capacity during the production of any program will be asked to leave the facility. If the person is a producer or user, he/she will receive disciplinary action.

E. Disciplinary Action

1. Upon verification of any above violation, the producer, user or guest will receive an immediate suspension from the use of equipment, facilities, channel space and any other BMU resource for not less than 30 days from date of disciplinary notification. The

length of suspension will be determined by the Communications Superintendent and be in comparison to the severity of the violation.

2. Any producer, user or guest who has subsequent violations will receive suspensions of not less than six months.
3. Any producer, user or guest may make a grievance or appeal any disciplinary action by submitting a written statement to the BMU Director of Utilities and Board of Public Affairs. Any suspension or disciplinary action remains in effect throughout the appeal or grievance process.
4. The Board of Public Affairs may overturn and/or amend the disciplinary action and make recommendations to the BMU Communications Superintendent to issue their findings in writing to the producer. If the Board of Public Affairs upholds the Superintendent's decision, the full effect of the disciplinary action will be carried out.

IV. AMENDMENTS / INDEMNIFICATION

A. Amendments to the Rules, Regulations and Procedures

1. The BMU staff is responsible for recommending amendments to the Communications Superintendent. The Superintendent is responsible for acquiring approval of the amendments from the Board of Public Affairs.
2. Rules, regulations and procedures will be periodically reviewed and/or changed in the interest of the facilities, resources, volunteers, producers, users, viewers and BMU staff.
3. Any rule, regulation or procedure changes will take effect immediately after passage by the Board of Public Affairs.
4. BMU will post or publish any rule or regulation change; however, it is the sole responsibility of the producer or user to become informed and up-to-date on any amendments.
5. The Bryan City Schools handbook is available at BMU. Gathering of rules or information from this handbook is the sole responsibility of the producer/user.

B. Producer Indemnification

1. BMU producers, users, or guests shall hold harmless, indemnify, and defend BMU, its staff, the City of Bryan and Board of Public Affairs members from any and all liability, claims and/or costs, including attorney fees, arising out of any claim or cause of their actions asserting that their program is libelous, slanderous, obscene, unlawful or illegal, or infringes on any intellectual property rights including copyrights and/or trademarks, or is an invasion of privacy. Producers certify these indemnifications when they complete and submit their programs for airing.

- √ Please sign the BMU Rules, Regulations and Procedures Acceptance Form and return it to BMU.
- √ A signed Acceptance Form must be on file prior to producing a program or checking out equipment.
- √ A copy of the producer's or user's valid driver license or state identification card must be on file prior to producing a program or checking out equipment.
- √ Minors must have a copy of their parent or legal guardian's valid driver license or state identification card.

BMU Public Educational and Governmental (PEG) & Commercial Access Rules & Regulations

I agree that I have read thoroughly and will abide by all of the BMU Public Educational and Governmental (PEG) & Commercial Access Rules & Regulations

As a parent, legal guardian or sponsor, I agree to abide by and ensure that the user I am representing abides by all BMU Rules and Regulations.

I also agree not to violate any local, state, federal or FCC law, rule or regulation.

I assume all responsibility for program content, actions, and/or conversations of guests and production crew.

I will abide by and willingly accept any disciplinary action imposed upon me, or the user I am representing, as a result of violating any BMU Rule or Regulation.

By signing below I certify that the following information is true and correct.

User Information:

Producer / User signature

Parent or legal guardian signature (required if under 18)

Print name

Date

Address

City

State

Zip code

Phone

Email Address

Sponsor Information

Sponsor Signature

Date

Print Sponsor Name

Sponsor Address

City

State

Phone

BMU Production Costs

\$50 per hour for a camera operator

\$75 per hour for video editing or equipment rental

Charges will start when Video Technician leaves the BMU facility and ends when he/she returns. Editing will be total time used to complete the finished product.

Materials will be billed at cost, plus 25%

BMU will provide one free DVD or VHS copy of final video production. Additional copies will be \$20 per copy.